REMARKS

This response is submitted to the Office Action mailed May 16, 2005, rejecting claims 1-15 in the above-identified patent application.

Reconsideration is respectfully requested for claims 1-15 in view of the following remarks.

The Examiner notes that the paper titled "Parameter Relations for Shinnar-Le Roux Selective Excitation Pulse Design Algorithm" as submitted with the Information Disclosure Statement filed September 10, 2004, was not legible. To complete the file on the Information Disclosure Statement, a new copy of the paper is submitted herewith.

Claims 1-15 have been rejected under 35 U.S.C. 102(f), the Examiner alleging that the Applicants did not invent the claimed subject matter in view of the article "Design of Symmetric-Sweep Spectral-Spatial RF Pulses for Spectral Editing", Magnetic Resonance in Medicine; 52; 147-153 (2004) and the article "Design of Symmetric-Sweep Spectral-Spatial RF Pulses for Spectral Editing" Department of Electrical Engineering, Stanford University (2003), provided by applicants. The Examiner further notes that it is necessary to provide a satisfactory showing by way of affidavit under 37 CFR 1.132 that the inventorship of the application is correct in that the references disclose subject matter invented by the applicants rather than derived from the co-authors of the paper and article.

Enclosed herewith is a Declaration under 37 CFR 1.132 by the inventors, Charles H. Cunningham, John M. Pauly and Daniel B. Vigneron, attesting to the fact that any disclosure of the invention described and claimed in their patent application is attributable solely to them and not to the other co-authors. In view of this unequivocal statement of inventorship by the Applicants, the invention to the extent disclosed in the cited papers is attributable solely to the named inventors and not to their co-authors. See MPEP section 716.10 Attribution.

Claims 1-15 have been rejected under U.S.C. 102(a) as being anticipated by Hurd et al. (sic. Cunningham et al.) "Design of Symmetric-Sweep Spectral-Spatial RF Pulses for Spectral Editing" Department of Electrical Engineering, Stanford University (2003), provided by applicants. The Examiner refers to the above-rejection under 35 U.S.C. 102(f) based on the paper co-authored by the named Applicants along with other co-authors.

This rejection is respectfully traversed in view of the Declaration under 37 CFR 1.132 enclosed herewith. The named Applicants unequivocally state that they are the sole inventors of the invention as described and claimed in the subject patent application, and any disclosure of the invention in the cited paper co-authored with Ralph E. Hurd and Napapon Sailasuta is attributable solely to Applicants.

Since the claimed invention is attributable solely to the named inventors, and since the cited paper co-authored by the inventors with Messers. Hurd and Sailasuta is not prior art against

the claimed invention, all is above set forth, it is requested claims 1-15 be allowed and the case advanced to issue.

Should the Examiner have any questions or comments with the present response, a telephone call to the undersigned attorney is requested.

Respectfully submitted,
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